

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

**MIKE NELSON COMPANY, INC., a
California Corporation,**

Plaintiff,

v.

**WESTON HATHAWAY, and DOES
1 through 10,**

Defendants.

AND RELATED COUNTER CLAIM

CV F 05-0208 AWI DLB

**ORDER ON STIPULATION TO
CONTINUE PROCEEDINGS AND
VACATING NOVEMBER 13, 2006
HEARING DATE**

A hearing was set for November 13, 2006 on Weston Hathaway's motions for summary judgment and partial summary adjudication. The Court has also ordered briefing on the issue of this Court's subject matter jurisdiction. Weston Hathaway's replies and the parties's briefing on subject matter jurisdiction were due on October 30, 2006. Additionally, a settlement conference before Magistrate Judge Beck is set for November 20, 2006, the pre-trial conference is currently set for December 15, 2006, and trial is currently set for February 13, 2007.

On October 26, 2006, the parties filed a stipulation that indicates that the parties will be having a mediation with Judge Broadman on November 9, 2006. The parties wished to move the November 13, 2006, and November 20, 2006, hearing and settlement dates by approximately 30 days from November 9. Approximately thirty days from November 9 yields a hearing date that is

1 very close to the pre-trial conference date. The pre-trial conference date will have to be moved in
2 order to meaningfully give effect to the parties's stipulation. The Court will order the parties to
3 contact the Magistrate regarding the setting of a new settlement conference.

4 Accordingly, in light of the current scheduling order and the parties's stipulation, IT IS
5 HEREBY ORDERED, that:

- 6 1. The November 13, 2006, hearing date on Weston Hathaway's motions and the
7 issue of the Court's subject matter jurisdiction is moved to December 4, 2006, at
8 1:30 p.m.;
- 9 2. The supplemental briefing and replies that were due on October 30, 2006, are now
10 due on November 27, 2006, by 11:00 a.m.;
- 11 3. The pre-trial conference date of December 15, 2006, is moved to Wednesday,
12 January 3, 2007, at 8:00 a.m. in Courtroom 2; and
- 13 4. The parties are to contact the magistrate for any rescheduling of the settlement
14 conference.

15
16 IT IS SO ORDERED.

17 **Dated: November 13, 2006**
18 0m8i78

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE